

REMARKS

Claims 1 to 10 are pending.

Applicants respectfully request reconsideration of the present application in view of this response.

With respect to paragraph two (2) of the Office Action, claims 1 to 10 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

While the rejections may not be agreed with, to facilitate matters, except for claims 6 and 10, each of the claims has been rewritten to better clarify their subject matter. In particular, as to the specific definiteness issues raised in the Office Action, it is believed that each of claims 1 to 10 as presented obviates the asserted issues. No new matter has been added. Approval and entry are respectfully requested, as is withdrawal of the indefiniteness rejections.

With respect to paragraph four (4), claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as anticipated by Bradley 555, Ross 398, Strenglein 169, Nations 690, and Sato 823.

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the prior Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art." (*See* M.P.E.P. § 2112; emphasis in original; and *see Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int'f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

While the rejections may not be agreed with, to facilitate matters, claim 1 has been rewritten to better clarify its subject matter, so that claim 1 is allowable, as are its dependent claims 2 to 10.

In particular, claim 1 as presented is to a *radar antenna array including two different antenna arrangements, both antenna arrangements having exciters, a first one of the antenna arrangements being for transmitting and a second one of the antenna arrangements being for receiving, the two antenna arrangements have antenna characteristics in which their dominant secondary lobes are mutually offset so as to have the effect that when the first one of the antennas is transmitting and emits power in its secondary lobe towards a target, the second one of the antennas that is receiving has its minimum lobe at this point and receives substantially no power from a same direction, so that the first one of the antennas that is transmitting and the second one of the antennas that is receiving point in the same direction in view of their antenna characteristics.*

In contrast, in each of the applied references their transmitting antennas point in a different direction than their receiving antennas in view of their antenna minimum and maximum lobe characteristics. Thus, it is believed and respectfully submitted that any review of the Bradley, Ross, Strenglein, Nations or Sato references makes plain that they do not identically disclose (or even suggest) the features of claim 1, in which *the two antenna arrangements have antenna characteristics in which their dominant secondary lobes are mutually offset so as to have the effect that when the first one of the antennas is transmitting and emits power in its secondary lobe towards a target, the second one of the antennas that is receiving has its minimum lobe at this point and receives substantially no power from a same direction, so that the first one of the antennas that is transmitting and the second one of the antennas that is receiving point in the same direction in view of their antenna characteristics,* as provided for in the context of claim 1 as presented.

Accordingly, claim 1 as presented is allowable.

Approval and entry are respectfully requested, as is withdrawal of the anticipation rejections, since claim 1 as presented is allowable, as are its dependent claims 2 to 10.

It is therefore respectfully submitted that claim 1 as presented is allowable, as are its dependent claims 2 to 10.

Conclusion

It is therefore respectfully submitted that all of claims 1 to 10 are allowable. It is therefore respectfully requested that the rejections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

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Respectfully submitted,

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